

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA CLARA COUNTY OFFICE OF  
EDUCATION.

OAH Case No. 2015020209

ORDER GRANTING REQUEST FOR  
CONTINUANCE AND SETTING  
PREHEARING CONFERENCE AND  
HEARING DATES

On April 8, 2015, the parties filed a second joint request to continue the dates in this matter because they need additional time to execute a settlement agreement and obtain Board approval. The parties request a 45-day continuance. The hearing is currently scheduled to begin on April 21, 2015.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The parties' request for a 45-day continuance will still allow for the hearing to be held within 90 days of the initial hearing date. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference: May 18, 2015, at 1:00 p.m.

Due Process Hearing: May 26, 2015, at 1:30 p.m., May 27-28, 2015, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.<sup>1</sup>

IT IS SO ORDERED.

DATE: April 8, 2015

/s/

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THERESA RAVANDI  
Administrative Law Judge  
Office of Administrative Hearings

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<sup>1</sup> Upon signature of the settlement agreement, the parties are encouraged to file with OAH a copy of the signature page along with a request to vacate all dates and schedule a status conference following the board meeting.